

Message Text

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ACTION EUR-08

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R 091243Z MAY 75

FM AMEMBASSY ANKARA

TO SECSTATE WASHDC 9138

INFO AMCONSUL ADANA

AMCONSUL ISTANBUL

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EO 11652 N/A

TAGS: CASC, TU (HAYES, WILLIAM)

SUBJECT: BILATERAL AGREEMENT FOR REPATRIATION OF FOREIGN NATIONAL
PRISONERS TO COMPLETE SENTENCING IN OWN COUNTRY

REF: A) ANKARA 2380; B) ANKARA 2836

1. IN CONVERSATION WITH MFA DIRECTOR GENERAL CONSULAR AFFAIRS
ASIROGLU MAY 9, AFTER PROTESTING MISTREATMENT OF US AIR FORCE
PRISONERS AT ADANA (REPORTED SEPTEL), DCM RAISED QUESTION OF
BILLY HAYES. DCM EXPRESSED HOPE THAT HAYES' REQUEST TO BE
TRANSFERRED TO OPEN PRISON (REF B) WOULD RECEIVE SYMPATHETIC
SUPPORT FROM MFA.

2. ASIROGLU SAID THAT HE HAD PERSONALLY TAKEN UP MATTER WITH
UNDERSECRETARY OF JUSTICE (AN OLD SCHOOLMATE OF HIS) AND THAT
HE UNDERSTOOD TRANSFER OF HAYES WOULD TAKE PLACE SHORTLY. HE
WENT ON TO SAY THAT HE BELIEVED HAYES WOULD BE RELEASED FROM
PRISON ON PAROLE IN OCTOBER 1978. TURKISH PRACTICE IN CASES
WHERE FOREIGNERS WERE RELEASED ON PAROLE WAS FOR LOCAL PROSECUTOR
IMMEDIATELY TO DECLARE THEM PERSONA NON GRATA AND THEN SEND
THEM OUT OF THE COUNTRY. (COMMENT: WE RECOMMEND THIS
INFORMATION NOT RPT NOT BE PASSED TO HAYES OR HAYES' FAMILY
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UNTIL MATTERS DEVELOP FURTHER. WE DO NOT WISH TO RAISE HOPES

THAT MAY NOT MATERIALIZE. WHILE WE HAVE CONFIDENCE IN ASIROGLU'S GOOD INTENTIONS, REQUIRED DECISIONS ARE NOT HIS TO MAKE. WE WILL CONTINUE FOLLOW HAYES' CASE CLOSELY AND WILL PROMPTLY REPORT DEVELOPMENTS.)

3. CONTINUING THE DISCUSSION, ASIROGLU SAID HE HAD THE GREATEST PERSONAL SYMPATHY FOR AMERICAN YOUNG PEOPLE GIVEN EXTRA-ORDINARILY LONG SENTENCES IN TURKISH PRISONS ON DRUG CHARGES. HE INCLUDED ANTAKYA THREE IN THIS CATEGORY. HE THEN STATED THAT IF IN THESE CASES AMBASSADOR COULD SEND A LETTER MAKING SIMPLE REQUEST THAT PRISONERS BE RELEASED TO US AUTHORITIES "FOR SERVICE OF THE REMAINDER OF THEIR SENTENCES IN A PRISON IN THE US" AND STATING FURTHER THAT THE US WOULD ENTERTAIN A SIMILAR REQUEST SHOULD A TURKISH CITIZEN NOW IN A US PRISON ASK TO SERVE THE REST OF HIS SENTENCE IN A TURKISH PRISON, THIS WOULD RECEIVE PROMPT ATTENTION AND PROBABLY ACCEPTANCE BY THE TURKISH AUTHORITIES.

4. ASIROGLU CITED THE RECENT RELEASE OF A DANISH PRISONER FROM TURKISH PRISON ON THE BASIS OF SUCH A COMMUNICATION FROM THE DANISH AMBASSADOR. ASIROGLU SAID GOT WAS FULLY AWARE THAT DANE HAD BEEN RELEASED IMMEDIATELY UPON HIS ARRIVAL IN COPENHAGEN, BUT THIS DID NOT BOTHER HIM OR THE TURKISH AUTHORITIES GENERALLY. DCM POINTED OUT THAT EMBASSY COULD NOT UNDER US CONSTITUTION MAKE A VALID COMMITMENT TO DETAIN AN AMERICAN CITIZEN SENTENCED IN A FOREIGN JURISDICTION IN AN AMERICAN PRISON. ASIROGLU SAID HE APPRECIATED THIS AND FOR THAT REASON GOT, WHILE REQUIRING A STATEMENT SIMILAR TO THE ABOVE IN ORDER TO JUSTIFY RELEASE OF THE PRISONER, WOULD NOT HOLD USG TO A COMMITMENT TO INCARCERATE PRISONERS UNTIL THEIR SENTENCES WERE SERVED OUT. HE URGED EMBASSY TO CONSULT WITH DANISH AMBASSADOR AS TO EXACT WORDING OF NOTE TO BE SUBMITTED FOR EACH PRISONER.

5. COMMENT: DEPARTMENT WILL NOTE THAT PREVIOUS VIEWS WE HAVE RECEIVED FROM GOT MINISTRY OF JUSTICE (REF B) ON QUESTION OF RELEASE OF PRISONERS ON CONDITION THEY SERVE REMAINDER OF SENTENCE IN THEIR COUNTRIES OF ORIGIN RUN DIRECTLY COUNTER TO ATTITUDE EXPRESSED BY ASIROGLU. MOREOVER, WE ARE UNCOMFORTABLE AT SUGGESTION THAT US GIVE WRITTEN ASSURANCE TO GOT WHICH LIMITED OFFICIAL USE

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WE ARE CONSTITUTIONALLY UNABLE TO CARRY OUT, EVEN THOUGH THERE MIGHT BE UNDERLYING TACIT UNDERSTANDING ON PART OF GOT THAT IT WOULD NOT SEEK IMPLEMENTATION OF SUCH AN ASSURANCE. POSSIBILITY, HOWEVER, OF OBTAINING EARLY RELEASE OF BOTH HAYES AND ANTAKYA PRISONERS UNDER SUCH A PROCEDURE LEADS US TO REQUEST DEPARTMENT TO RE-EXAMINE POSSIBILITY OF OUR SUBMITTING COMMUNICATIONS TO GOT ALONG LINES SUGGESTED BY ASIROGLU.
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